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U.S. SENATOR

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CHAFEE STATEMENT ON SUPREME COURT NOMINEE

WASHINGTON, D.C. – “The President’s nomination of Judge Samuel Alito to replace Justice Sandra Day O’Connor on the Supreme Court raises many concerns and I intend to focus on a number of key issues during the nomination hearings before the Judiciary Committee.

In 1990, Judge Alito joined the federal bench on the U.S. Court of Appeals for the Third Circuit. During the past fifteen years, Judge Alito has taken many positions that appear to place him at odds with the protection of key fundamental rights. It is vital that the Senate carefully examine these cases as we conduct our hearings to provide the necessary advice and consent on this nomination.

In 1991, Judge Alito showed a narrow view of a woman’s right to choose. He was the lone dissenter in *Planned Parenthood v. Casey*, (947 F.2d 682; 1991) where Judge Alito asserted that it was constitutional for Pennsylvania to require a woman to inform her husband before obtaining an abortion. The Supreme Court of the United States reached the exact opposite conclusion, ruling that this Pennsylvania law was unconstitutional. Judge Alito’s writings appear to give considerable latitude to state governments as they attempt to place restrictions on a woman’s right to choose.

Judge Alito has also taken a narrow view of the Commerce Clause of the Constitution. He was alone in dissent in ruling that Congress did not have the authority to restrict the sale of machine guns. In *United States of America v. Rybar*, (103 F.3rd 273; 1996), Judge Alito ignored more than fifty years of constitutional law in an effort to narrow the power of Congress to enact legislation. This is concerning to me, in that this view of the Constitution calls into question the authority of Congress to enact key laws to protect the welfare of all Americans, including environmental legislation to protect the quality of our air and water and to protect endangered species.

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Judge Alito has also written several opinions that raise questions about the separation of church and state. In *ACLU-NJ v. Township of Wall* (246 F.3d 258; 3rd Cir 2001), Judge Alito ruled against citizens who opposed an official religious display in the town's municipal building.

This is a pivotal nomination to the Supreme Court. In the upcoming term, the Court will hear cases that are key to the fundamental rights of Americans. The Court is already scheduled to hear an important case concerning a woman's right to choose where the vote of Justice O'Connor's replacement will be critical. I intend to carefully examine the record of Judge Samuel Alito. We must ensure that any new addition to the Supreme Court will work to protect the fundamental rights of all Americans."

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